

Meeting Date: 12-09-08

AGENDA REPORT

Agenda Item # 7A-7

Santa Clara



City of Santa Clara, California



DATE: November 26, 2008

TO: City Manager for Council Action

FROM: Fire Chief

SUBJECT: Adoption of a Resolution Declaring Weeds a Public Nuisance, Setting January 27, 2009 for the Public Hearing, and Authorizing the Publication of the Notice of Public Hearing

EXECUTIVE SUMMARY:

To commence the 2008-2009 Weed Abatement Program for the forthcoming season, it is requested that the City Council, in accordance with Section 8.15 of the City Code, adopt the attached resolution declaring weeds to be a public nuisance and schedule a public hearing for January 27, 2009 at 7:00 p.m. to hear public input regarding the proposed destruction or removal of weeds.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Weeds will be removed from properties thus reducing the fire danger in the City. There are no disadvantages.

ECONOMIC/FISAL IMPACT:

The County manages and abates weeds through a yearly program. There is no cost to the City other than staff time and expense.

RECOMMENDATIONS:

That the Council:

- Adopt the attached 2008-2009 Weed Abatement Program resolution declaring weeds to be a nuisance.
- Set January 27, 2009 as the date for the required public hearing.
- Authorize the publication of the Notice of Public Hearing.

APPROVED

for William G. Keely
Phil Kleinheinz
Fire Chief

Jennifer Sparacino
Jennifer Sparacino
City Manager

PK:el

Documents Related to this Report:

1. Resolution "Declaring Weeds a Nuisance"
2. "Notice to Destroy Weeds" Newspaper Ad

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SANTA CLARA, CALIFORNIA DECLARING WEEDS
TO BE A NUISANCE AND SETTING A HEARING DATE
FOR THE CITY COUNCIL TO HEAR PUBLIC INPUT
REGARDING THE PROPOSED DESTRUCTION OR
REMOVAL OF WEEDS**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA,
CALIFORNIA, AS FOLLOWS:**

WHEREAS, weeds are growing in the City of Santa Clara upon streets, alleys, sidewalks and upon private property; these weeds bear seeds of a wingy or downy nature or may grow and, when dry, become a fire menace or those weeds that are otherwise noxious and dangerous; and

WHEREAS, these weeds constitute a public nuisance.

**NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE
CITY OF SANTA CLARA, CALIFORNIA, AS FOLLOWS:**

1. These weeds constitute and will continue to constitute a public nuisance, and it is ordered that this public nuisance be abated in the manner provided in Title 8 [entitled "Weeds" - Section 8.15 et seq.] of Chapter 8 of the "The Code of the City of Santa Clara, California" and the "Agreement for Abatement of Weeds by County of Santa Clara for City of Santa Clara" (a copy is on file in the office of the City Clerk).

2. This nuisance exists upon all of the streets, alleys, sidewalks and private property within the City as shown on the several maps of the property in the City which are recorded in the office of the County Recorder of the County of Santa Clara, reference to the description of any particular street, alley, or private property is made to the maps, and to the latest subdivision map.

3. It is ordered, that at 7:00 p.m., or as soon as the matter may be heard, January 27, 2009 in

the Council Chambers of the City Council of the City of Santa Clara, public input regarding the proposed destruction or removal of weeds shall be heard.

4. The City Manager, or her designee, is hereby directed to cause notice of the adoption of this resolution and notice of this hearing to be given by posting and by publication in the manner and form provided in Section 8.15.080 of "The Code of the City of Santa Clara, California" and to cause notice to be published twice in the Santa Clara Valley Weekly, a newspaper of general circulation which is published in the City of Santa Clara, at least ten (10) calendar days prior to the hearing.

5. The Santa Clara County Agricultural Commissioner is also directed to give notice by mail to the owner or owners of each individual parcel of land upon which weeds will be abated by the City at least ten (10) calendar days prior to such abatement. Before the expiration of the ten-day period, any owner may voluntarily proceed to abate the nuisance. The notice may be given by mail, addressed to the owner at the last known address as shown on the last County Equalized Assessment Roll.

6. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City Council hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection (s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION
PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA,

CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 9th DAY OF
DECEMBER, 2008 BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Notice to Destroy Weeds

NOTICE IS HEREBY GIVEN that on December 9, 2008, pursuant to Section 8.15 et seq. of the Code of the City of Santa Clara, the City Council of the City of Santa Clara, California passed a resolution declaring that all weeds growing upon any private property or in any public street or alley, as defined in 8.15.010 of the Code of the City of Santa Clara constitute a public nuisance; this nuisance must be abated by the removal of weeds.

NOTICE IS FURTHER GIVEN that property owners shall, without delay, remove all weeds from their property and the abutting half of the street in front and alleys, if any, behind such property and between the lot lines thereof as extended, or the weeds will be destroyed or removed and such nuisance abated by the County authorities, in which case the cost of such destruction or removal will be assessed upon the lots and lands from which or from the front or rear of which, such weeds shall have been destroyed or removed; and such cost will constitute a lien upon such lots or lands until paid, and will be collected upon the next tax roll upon which general municipal taxes are collected. All property owners having any objections to the proposed destruction or removal of such weeds are hereby notified to attend a meeting of the Council of said City to be held in the Council Chambers of the City Hall, 1500 Warburton Ave., Santa Clara, California, on **January 27, 2009, at 7:00 p.m.**, or as soon thereafter as the matter can be heard, when their objections will be heard and given due consideration.

Date:

Rod Diridon, Jr.
City Clerk
City of Santa Clara

CITY OF SANTA CLARA
AGENDA MATERIAL ROUTE SHEET

Council Date: December 9, 2008

SUBJECT: Adoption of a Resolution Declaring Weeds a Public Nuisance, Setting January 27, 2009 for the Public Hearing, and Authorizing the Publication of the Notice of Public Hearing

CERTIFICATION

The proposed resolution declaring weeds a nuisance has been reviewed and is hereby certified.

PUBLICATION REQUIRED:

The attached **Notice/Resolution/Ordinance** is to be published 2 time(s) at least 10 days before the scheduled meeting/**public hearing**/bid opening/etc., which is scheduled for January 27, 2009.

AUTHORITY SOURCE FOR PUBLICATION REQUIREMENT:

Federal Codes:

Title U.S.C. §
(Titles run 1 through 50)

California Codes:

Code §
(i.e., Government, Street and Highway, Public Resources)

Federal Regulations:

Title C.F.R. §
(Titles run 1 through 50)

California Regulations:

Title California Code of Regulations §
(Titles run 1 through 28)

City

City Charter § (i.e., 1310. Public Works Contracts. Notice published at least once at least ten days before bid opening)

City Code §

1. As to City Functions, by

William J. Kelly
for Department Head

2. As to Legality, by

Julia Fie
City Attorney's Office / CAO Assignment No 08. 1639

3. As to Environmental
Impact Requirements, by

Director of Planning and Inspection

4. As to Substance, by

J. Sparano
City Manager

Revision Date November 24, 2008